

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PROMOWEST PRODUCTIONS, INC.  
Employer

and

Case 09-RC-261089

INTERNATIONAL ALLIANCE OF THEATRICAL  
STAGE EMPLOYEES AND MOVING PICTURE TECHNICIANS,  
ARTISTS AND ALLIED CRAFTS OF THE UNITED STATES  
AND CANADA, AFL-CIO (IATSE) LOCAL 12  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision on Challenges and Objections and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

JOHN F. RING,

CHAIRMAN

MARVIN E. KAPLAN,

MEMBER

LAUREN McFERRAN

MEMBER

Dated, Washington, D.C., November 25, 2020.

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<sup>1</sup> The Employer's Request for Review states that seven employees mailed ballots that did not arrive in time for the tally. Based on the facts of this case, we find that the Regional Director acted in accordance with Board precedent in certifying the Union despite the missing ballots. See *Premier Utility Services, LLC*, 363 NLRB No. 159 (2016); *Classic Valet Parking*, 363 NLRB No. 23 (2015).

Chairman Ring and Member Kaplan note, however, that the facts of this case—namely, the possibility that some ballots may be lost or delayed in the mail—illustrate one reason why manual elections are, and should be, preferred. In saying as much, however, they do not mean to suggest that a mail-ballot election was inappropriate here.

The Board is open to addressing the normal criteria for mail balloting in a future appropriate proceeding.

Member McFerran would reconsider the criteria for mail balloting, now and in the future, for the reasons given in her separate opinion in *Aspirus Keweenaw*, 370 NLRB No. 45 (2020).